



BOX PATENT

Attorney Docket No. 24702

TECH CENTER 1600/2900

JAN 28 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Wolfram STEINHILBER et al.

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FEB 10 2004

Serial No.: 09/889,348

Group Art Unit: 1646

Filed: September 26, 2001

OFFICE OF PETITIONS

For: RECOMBINANT SP-A FOR THE TREATMENT OR PREVENTION OF PULMONARY
INFECTION AND INFLAMMATION

TRANSMITTAL LETTER

Commissioner of Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark
Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with ten (10) references.

The Commissioner is hereby authorized to charge any deficiency
or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
Registration No. 26,965
Todd L. Juneau
Registration No. 40,669
Joshua B. Goldberg
Registration No. 44,126
Customer No. 20529

Date: January 24, 2003
NATH & ASSOCIATES PLLC
1030 15th Street NW - 6th Floor
Washington, D.C. 20005
GMN/TLJ/jnr:IDS.Trans

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INFORMATION DISCLOSURE STATEMENT

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Commissioner of Patents
Washington, D.C. 20231

FEB 10 2004

OFFICE OF PETITIONS

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. §1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

- [X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. §1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311.

The enclosed statement is accompanied by [check one]:

- [] i. a certification in part (e) below as specified in 37 C.F.R. §1.97(e), or
- [] ii. a check in the amount required by 37 C.F.R. §1.17(p).
- [] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. §1.113, or a notice of allowance under 37 C.F.R. §1.311, but before payment of the issue fee.
- [] Certification report(e) below; and
- [] a check in the amount as required by §1.17(p).
- [] d. The enclosed statement is being filed pursuant to 37 C.F.R. §1.97(i), for placement in the file.
- [] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[] Appropriate certification is attached.

[X] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[X] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

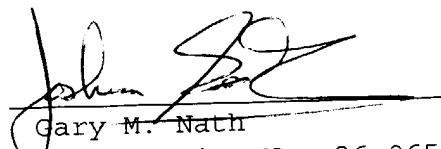
[] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES

By:

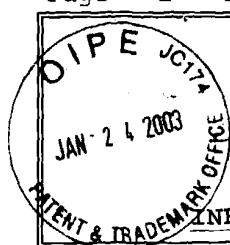

Gary M. Nath

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Todd L. Juneau

Registration No. 40,669
Joshua B. Goldberg

Registration No. 44,126
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Date: January 24, 2003
NATH & ASSOCIATES
1030 15th Street, N.W., 6th Floor
Washington, D.C. 20005
Tel. (202) 775-8383
Fax. (202) 775-8396



FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Atty Docket
24702Serial No.
09/889,348Applicant
Wolfram STEINHILBER et al.Filing Date
Sep. 26, 2001Group Art Unit
1646

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub-Class	Translation
AL					
AM					
AN					
AO					
AP					


OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

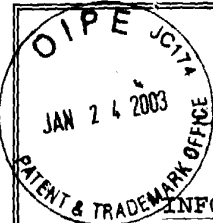
AR	Griese, M. "Pulmonary surfactant in health and human lung diseases: states of the art." <i>European Respiratory Journal</i> . 13:1455-1476, 1999.
AS	LeVine, A.M. et al. "Surfactant Protein-A (SP-A) Binds Group B Streptococcus (GBS) Enhancing Phagocytosis and Clearance from Lungs of SP-A Deficient Mice." <i>J. Resp. Crit. Care Med.</i> Vol. 157, A865, 1998.
AT	Madan, T. et al. "Lung surfactant proteins A and D can inhibit specific IgE binding to the allergens of <i>Aspergillus fumigatus</i> and block allergen-induced histamine release from human basophils." <i>Clin. Exp. Immunol.</i> Vol. 110, pgs. 241-249, 1997.

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609.
 Draw line through citation if not in conformance and not considered.
 Include copy of this form with next communication to Applicant.

 <p>FORM PTO-1449</p> <p>INFORMATION DISCLOSURE CITATION</p>				Atty Docket 24702		Serial No. 09/889,348	
				Applicant Wolfram STEINHILBER et al.			
				Filing Date Sep. 26, 2001		Group Art Unit 1646	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA						
	AB						
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	AF						
	AG						
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	AK						
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub-Class	Translation
	AL						
	AM						
	AN						
	AO						
	AP						
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR		King, R.J. "Pulmonary surfactant." <i>J. Appl. Physiol.: Respirat. Environ. Exercise Physiol.</i> Vol. 53(1), pgs. 1-8, 1982.				
	AS		Wang, Jiu-Yao et al. "Inhibitory Effect of Pulmonary Surfactant Proteins A and D on Allergen-induced Lymphocyte Proliferation and Histamine Release in Children with Asthma." <i>Am. J. Respir. Crit. Care Med.</i> Vol. 158, pgs. 510-518, 1998.				
	AT		King, R.J. et al. "Surfactant Protein-A Deficiency in a Primate Model of Bronchopulmonary Dysplasia" <i>Am. J. Respir. Crit. Care Med.</i> Vol. 151, pgs. 1989-1997, 1995.				
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	AL						
	AM						
	AN						
	AO						
	AP						
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR		LeVine, A.M. et al. "Surfactant Protein A-Deficient Mice are Susceptible to Group B Streptococcal Infection." <i>The Journal of Immunology</i> . Vol. 158, pgs. 4336-4340, 1997.				
	AS		Thiel, S. et al. "Structures and Functions Associated with the group of mammalian lectins containing collagen-like sequences." <i>Federation of European Biochemical Societies</i> . Vol. 250, No. 1, pgs. 78-84, 1989.				
	AT		Coalson, Jacqueline J. et al. "Pathophysiologic, Morphometric, and Biochemical Studies of the Premature Baboon with Bronchopulmonary Dysplasia." <i>Am. Rev. Respir. Dis.</i> Vol. 145, pgs. 872-881, 1992.				
	AU		van Golde, L.M.G., ed. "Molecular Basis of Disease, Pulmonary surfactant." <i>Biochimica et Biophysica Acta</i> , 1408, pgs 77-364, 1998				
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